



Montana Fish, Wildlife & Parks

TENTATIVE FISHING REGULATION CHANGES FOR 2005

Adopted by the FWP Commission on August 5, 2004

Final action will be taken at the October 7, 2004 Commission meeting in Helena.

Proposed new language is in italics.

GENERAL PROVISIONS -- Definitions:

Artificial *Flies and Lures*

Any manmade lure (including flies) that imitates natural bait. Artificial lures may have a scent infused or applied. Artificial lures do not include fish eggs, any natural or artificial food such as corn and marshmallows, any products that are derivatives of natural foods, any chemically treated or processed natural bait such as salted minnows, nor any artificial dough or paste baits.

(The intent of artificial lure regulations is to reduce deep hooking of fish commonly associated with the use of bait that is swallowed. The original definitions defined manmade lures that did not contain any real or artificial food items and that had not been treated with feeding stimulants or attractants. However, in recent years most soft plastic baits are infused with scents. In addition, there are many scents that can be applied to lures. These scents may encourage a fish to bite and may get them to hold a lure a little longer, thus increasing angling successes. However, treated lures are usually rejected after a brief interval and therefore still meet the intent of reducing deep-hooking injuries.

New products such as Berkley Powerbait, Crave, Berkley Power Worms, and new Berkley Gulp are formulated such that fish do commonly eat them. The challenge is to define artificial lures in such a way to allow the use of scents but disallow things like paste baits that could be swallowed.)

Gaff

A hook attached directly to a pole (a metal or wooden shaft) or other device. Use of gaffs is only permitted to help land a game fish that was lawfully hooked.

(Provides clarification.)

Spear

Any sharp-pointed instrument, with or without barbs, used to capture and/or kill fish by penetrating the body. Usually a spear consists of a shaft with a sharp head or point. Spears are hand-propelled or propelled with a spring or rubber band, ~~or compressed gas.~~

(This change makes the definition consistent with spearing regulations that are aimed at underwater divers, and provides consistency with bow and arrow limitations.)

COMMERCIAL BAIT FISH SEINING AND SALE OF BAIT FISH

Nongame fish (except carp, goldfish *and* rainbow smelt ~~and sculpin~~) may be commercially harvested in accordance with Administrative Rules of Montana (ARM), Section 12.7.201-12.7.206. Any person taking non-game fish for sale or commercial distribution must have a commercial license for seining bait fish. Live bait fish or bait may not be imported into ~~or exported from~~ Montana for commercial or other purposes unless authorized by the department. Contact regional FWP offices for a permit and list of waters open to commercial seining.

(Authorizes commercial harvest and sale of sculpin in the Central and Eastern fishing districts.)

WESTERN FISHING DISTRICT

Bait Regulations

- It is illegal to possess or use live fish as bait in the Western Fishing District.
- *It is illegal to release live bait of any kind into Montana waters.* Please take all unused live bait home with you; do not empty any live bait containers at your fishing site.

Collection/Transport of Bait:

- *Sculpins may not be harvested or used as live or dead bait in the Western District.*
- *Legal non-game fish may be trapped or seined for use as dead bait in all waters not limited to artificial flies and lures. All fish must be killed immediately.*
- Legal non-game fish may be taken for use as dead bait in the following manner:
 - *with hook and line*
 - with seines no larger than 12 feet by 4 feet; or
 - with minnow traps (the dimensions shall not exceed 24 x 12 x 12 inches); or
 - with cast nets (maximum of 6-foot radius) and dip nets (no larger than 3 feet X 3 feet).
- Landowner permission is required to capture live bait from privately owned ponds.
- See Commercial Fishing License requirements for information on commercial harvest permit requirements.

Live bait:

- *Live animals such as meal worms, red worms, night crawlers, leeches, maggots, crayfish, reptiles, amphibians and insects may be used as bait on all waters not restricted to artificial flies and lures.* Leeches may only be imported into Montana from FWP-approved leech dealers and may be acquired from approved bait dealers in Montana. Anglers who import leeches must have in their possession a bill-of-sale from the approved out-of-state leech dealer when fishing with leeches in Montana. A list of approved out-of-state leech dealers may be obtained from FWP by calling 406-452-6181.

Dead bait:

- Nongame fish (*except sculpin*) that *are freshly killed or have been preserved by freezing, salting or pickling may be used as bait on all waters not restricted to artificial flies and lures.*

- Cut bait using non-game fish (*except sculpin*) is legal. Cut bait is defined as fish having the head and entrails removed. Heads and entrails of non-game fish (*except sculpin*) may also be used as cut or prepared bait.
- Whole game fish may not be used as bait. Parts/pieces of bass, burbot, channel catfish, crappie, ling, northern pike, paddlefish, sauger, sturgeon, tiger muskellunge, walleye, whitefish or yellow perch may be used as cut or prepared bait if edible portions are not wasted.
- The eggs of char, cisco, grayling, salmon or trout may be used as bait.

(Provides clarification of bait regulations.)

Possession Limit

The number of fish that you may possess at any time in any form: fresh, frozen or preserved. It is illegal to preserve fish (salted, smoked, dried, canned or otherwise preserved) before taking them to your permanent residence (the physical abode or structure you maintain as your principal, legal residence/address) unless those fish can be counted. Mobile recreational vehicles, travel trailers, tents or storage/freezer lockers do not qualify as a permanent residence. *No person may sell or take for the purpose of sale any fish except as authorized in commercial fishing laws.*

(Communicates laws prohibiting the sale of fish.)

Warm Water Game Fish Stamp

The 1999 Montana Legislature passed a bill to require the purchase of a warm water game fish stamp. The warm water game fish stamp is required to possess warm water fish on the following waters in the Western Fishing District:

*Blanchard Lake, Flathead County
Echo Lake, Flathead County
Half Moon Lake, Flathead County
Island Lake (Happy's Inn), Lincoln County
Loon Lake (Ferndale), Lake County
Loon Lake (Happy's Inn), Lincoln County
Lower Thompson Lake, Lincoln County
Murphy Lake, Lincoln County
Savage Lake, Lincoln County
Spencer Lake, Flathead County*

(These waters may be stocked with bass beginning in 2004. Based on the 1999 Montana statute establishing the warm water game fish stamp, anglers will be required to purchase the stamp for harvest of warm water fish on all waters stocked with warm water fish.)

Bull Trout

Based on discussions with the U.S. FWS, it may be necessary to alter the bull trout harvest regulations that were implemented last year. Final recommendations cannot be made until the results of a fall creel have been analyzed.

CENTRAL FISHING DISTRICT

Bait Regulations

- Possession of live bait is prohibited on waters closed to using live bait.
- *It is illegal to release live bait of any kind into Montana waters.* Please take all unused live bait home with you or discard the bait in an appropriate trash container; do not empty any live bait containers at your fishing site.

Collection/Transport of Bait:

- *Sculpins (genus Cottus) may be collected and used as dead bait on all waters in the Central Fishing District not restricted to artificial flies and lures. Screens or nets may not exceed four (4) feet in length on any side. Sculpins must be killed immediately.*
- Legal non-game fish may be trapped or seined for use as bait only in waters where live fish may be used as bait. Bait fish may be taken:
 - *with hook and line*
 - with seines no larger than 12 feet by 4 feet; or
 - with minnow traps (the dimensions shall not exceed 24 x 12 x 12 inches); or
 - with cast nets (maximum of 6-foot radius) and dip nets (no larger than 3 feet X 3 feet).
- Live non-game bait fish (except black bullheads, carp, goldfish, rainbow smelt, *sculpins*, stonecats and yellow bullheads) may only be transported to or from:
 - waters where live fish may be used as bait in the Central Fishing District, and
 - anywhere within the boundaries of the Eastern Fishing District.
- Landowner permission is required to capture live bait from privately owned ponds.
- See Commercial Fishing License requirements for information on commercial harvest permit requirements.

Live bait:

- Live bait fish may not be imported into Montana, except by permit for use in Bighorn Lake and Afterbay Reservoir. Bait fish collected in the Bighorn River drainage of Wyoming may be imported under a permit issued by FWP. For a permit, contact the FWP Fisheries Division at (406) 247-2961 or 2300 Lake Elmo Drive, Billings, MT 59105.
- *Live animals such as meal worms, red worms, night crawlers, leeches, maggots, crayfish, reptiles, amphibians and insects may be used as bait on all waters not restricted to artificial flies and lures.* Leeches may only be imported into Montana from FWP-approved leech dealers and may be acquired from approved bait dealers in Montana. Anglers who import leeches must have in their possession a bill-of-sale from the approved out-of-state leech dealer when fishing with leeches in Montana. A list of approved out-of-state leech dealers may be obtained from FWP by calling 406-452-6181.
- Black bullheads, carp, goldfish, rainbow smelt, *sculpins*, stonecats and yellow bullheads may not be used as live bait. Other non-game fish may be used as live bait only in the following waters:
 - Bighorn Lake and Afterbay Reservoir
 - Bighorn River—Afterbay Dam to the cable 600 feet downstream, and downstream from the Bighorn FAS
 - Clarks Fork Yellowstone River — downstream from the bridge at Bridger
 - Marias River and tributaries downstream from I-15
 - Missouri River downstream from Morony Dam

Muddy Creek Drainage near Vaughn, including all streams and drainage canals
Teton River and tributaries downstream from I-15
Tiber Reservoir (Lake Elwell), Toole and Liberty counties
Yellowstone River and all streams and ditches in the drainage downstream from the mouth of the Clarks Fork (except the section of the Bighorn River between the cable 600 feet downstream from Afterbay Dam and the Bighorn FAS)

Dead bait:

- Nongame fish that *are freshly killed or* have been preserved by freezing, salting *or pickling may be used as bait on all waters not restricted to artificial flies and lures.*
- Cut bait using nongame fish is legal. Cut bait is defined as fish having the head and entrails removed. Heads and entrails of nongame fish, *except sculpins*, may be used as cut or prepared bait.
- Whole game fish may not be used as bait. Parts/pieces of bass, burbot, channel catfish, crappie, ling, northern pike, paddlefish, sauger, sturgeon, tiger muskellunge, walleye, whitefish or yellow perch may be used as cut or prepared bait if edible portions are not wasted.
- The eggs of char, cisco, grayling, salmon or trout may be used as bait.

(Provides clarification of the bait regulations and allows the use of sculpin as dead bait.)

Possession Limit

The number of fish that you may possess at any time in any form: fresh, frozen or preserved. It is illegal to preserve fish (salted, smoked, dried, canned or otherwise preserved) before taking them to your permanent residence (the physical abode or structure you maintain as your principal, legal residence/address) unless those fish can be counted. Mobile recreational vehicles, travel trailers, tents or storage/freezer lockers do not qualify as a permanent residence. *No person may sell or take for the purpose of sale any fish except as authorized in commercial fishing laws.*

(Communicates laws prohibiting the sale of fish.)

Canyon Ferry Reservoir, Hauser Reservoir, Holter Reservoir, Lake Francis, Lake Helena, Pishkun Reservoir, and Split Rock Lake: 2 lines with 2 hooks per line on open water *and 6 lines with 2 hooks per line through the ice.*

(This was supposed to be the regulation for all major reservoirs but was missed in the 2004 final draft and needs to be fixed.)

Ennis Reservoir: Catch-and-release for grayling.

(This was a mistake from the past that is being corrected. The catch-and-release regulation for grayling was never supposed to have been removed; it fell out during development of one of the print versions and was not detected. Grayling require this protection.)

Rock Creek and Tributaries (tributary to Clarks Fork of the Yellowstone): West Fork Rock Creek is closed to fishing *from Red Lodge water intake to 1,000 feet upstream* ~~all year~~.

(This was a mistake that needs to be corrected.)

EASTERN FISHING DISTRICT

Bait Regulations

- Possession of live bait is prohibited on waters closed to using live bait.
- *It is illegal to release live bait of any kind into Montana waters.* Please take all unused live bait home with you; do not empty any live bait containers at your fishing site.

Collection/Transport of Bait:

- Non-game fish may be trapped or seined for use as bait only in waters where live fish may be used as bait. Bait fish may be taken:
 - *with hook and line*
 - with seines no larger than 12 feet by 4 feet; or
 - with minnow traps (the dimensions shall not exceed 24 x 12 x 12 inches); or
 - with cast nets (maximum of 6-foot radius) and dip nets (no larger than 3 feet X 3 feet).
- Live non-game bait fish (except black bullheads, carp, goldfish, rainbow smelt, *sculpins*, stonecats and yellow bullheads) may only be transported to or from:
 - waters where live fish may be used as bait in the Central Fishing District, and
 - anywhere within the boundaries of the Eastern Fishing District.
- Landowner permission is required to capture live bait from privately owned ponds.
- See Commercial Fishing License requirements for information on commercial harvest permit requirements.

Live bait:

- Live fish may not be imported into Montana except by permit from FWP for the *Tongue River Reservoir*. Bait fish collected in the Tongue River drainage of Wyoming may be imported under a permit issued by FWP. For a permit, contact the FWP Fisheries Division at (406) 232-0914 or Box 1630, Miles City, MT 59301.
- *Live animals such as meal worms, red worms, night crawlers, leeches, maggots, crayfish, reptiles, amphibians and insects may be used as bait on all waters not restricted to artificial flies and lures.* Leeches may only be imported into Montana from FWP-approved leech dealers and may be acquired from approved bait dealers in Montana. Anglers who import leeches must have in their possession a bill-of-sale from the approved out-of-state leech dealer when fishing with leeches in Montana. A list of approved out-of-state leech dealers may be obtained from FWP by calling 406-452-6181.
- Black bullheads, carp, goldfish, rainbow smelt, *sculpins*, stonecats and yellow bullheads may not be used as live bait. All other non-game fish may be used as live bait only in the following waters:

Rivers and Streams:

All streams and rivers in the Eastern District except:

Milk River and its tributaries upstream from Fresno Dam

Beaver Creek upstream from Beaver Creek Reservoir

Lakes, Reservoirs and Ponds:

All ponds, lakes, reservoirs and impoundments in the following counties:

Big Horn County - Tongue River Reservoir
 Blaine County – Cow Creek Res., Dry Fork Res., Lyons Res., and all BLM reservoirs
 Carter County - Doug Gardner #2 Res., Talcott Pond
 Custer County - Spotted Eagle Pond
 Daniels County - Whitetail Reservoir
 Dawson County - Johnson Reservoir, Lee (Sam) Reservoir, Lindsay Reservoir
 Fallon County - Baker Lake, South Sandstone Reservoir
 Fort Peck Reservoir
 Garfield County - Whiteside Reservoir
 Hill County - Beaver Creek Reservoir, Bailey Reservoir
 McCone County - Flat Lake, Hedstrom Reservoir
 Milk River impoundments downstream of Fresno Dam
 Petroleum County - Petrolia Reservoir
 Phillips County – Cole Ponds, Ester Res., Frenchman Res., Little Warm Res., McChesney Res., Nelson Res., Raymond Res., and all BLM reservoirs
 Richland County - Buxbaum West Res., Gartside Reservoir, Kuester Reservoir
 Roosevelt Co.- Bainville Railroad Ponds
 Rosebud County - Castle Rock Lake, Schlesinger Perch Pond
 Sheridan County - Box Elder Reservoir, Engstrom Res., Medicine Lake Nat. Wildlife Refuge, Raymond Res.
 Valley County – Fort Peck Dredge Cut Trout Pond, Grub Res., Gut Shot Res., Shoot Res., Triple Crossing Res., Valley Reservoir, VR2 Res., Wards Res., and all BLM reservoirs in the Willow Creek Drainage
 Wibaux County - Lame Steer Reservoir
 Yellowstone County - Anita Reservoir

Dead bait:

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- Whole game fish may not be used as bait. Parts/pieces of bass, burbot, channel catfish, crappie, ling, northern pike, paddlefish, sauger, sturgeon, tiger muskellunge, walleye, whitefish or yellow perch may be used as cut or prepared bait if edible portions are not wasted.
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(Communicates laws prohibiting the sale of fish.)

Special Paddlefish Regulations – Daily and Possession Limits

- *The Montana nonprofit corporation designated to accept paddlefish egg donations for the caviar market is authorized to transport legally tagged paddlefish donated by anglers in accordance with guidelines developed and implemented through the annual Paddlefish Roe Program MOU. Paddlefish taken on the Yellowstone River between the Burlington Northern Railroad Bridge at Glendive and the North Dakota state line and donated by anglers at the Intake FAS or at the Sidney Bridge FAS are eligible for transport by designated individuals.*

(Provides a mechanism to allow the Paddlefish Roe Donation Program to legally possess and transport paddlefish for anglers wishing to donate the roe and have their fish cut and packaged in exchange.)

Medicine Lake National Wildlife Refuge: clarify that all lakes are open to use 6 lines with 6 hooks per line whether attended or unattended.

HOUSEKEEPING

These changes provide clarification but do not fundamentally change the regulation or requirements.

Game Fish (definition)

All species of the family *Salmonidae* (trout, salmon, grayling, whitefish and chars); all species of the genus ~~*Stizostedion*~~ *Sander* (sauger and walleye); all species of the genus *Esox* (northern pike and tiger muskellunge); all species of the genus *Micropterus* (~~black~~ bass); all species of the genus *Polyodon* (paddlefish); all species of the family *Acipenseridae* (sturgeon); the genus *Lota* (burbot or ling); the species *Perca flavescens* (Yellow perch); all species of the genus *Pomoxis* (crappie); and the species *Ictalurus punctatus* (channel catfish).

- Bull trout are defined as any trout with white leading margins on the lower fins and no markings on the dorsal fin. (Note: it is unlawful to intentionally fish for bull trout in any waters unless specifically authorized in the Western Fishing District Regulations.)
- Sauger are defined as any *Stizostedion* (sauger/walleye) with multiple small, distinct black spots on the spiny (first) dorsal fin ray membranes.

Church Slough, Fennon Slough, Echo Lake, Abbott Lake, Peterson Lake

Bass: 5 daily and in possession from July 1 to 3rd Saturday in May, only 1 over 12 inches. 1 daily and in possession from the 3rd Saturday in May to July 1, must be over 22 inches.

Boating and Motor Restrictions, page 11. Use the term vessel instead of boat.

Blackfoot River and Tributaries

pg. 23, Landers Fork mouth to Stimson Lumber Dam: This is under Blackfoot River and tribs but the regulation only applies to the mainstem. Put under mainstem only (just above this reg).

Clearwater Lakes

pg. 27 and under individual lakes: On page 27 under Clearwater River drainage Lakes, it lists regulations that are not listed under the individual lakes. These items C and R for bass, no pike limit and spearing for pike need to be listed under Salmon and Seeley lakes. Should include Inez minus the bass regulation, and Placid minus the pike regulations.